

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CONSUMER FINANCIAL PROTECTION
BUREAU,

Plaintiff,

v.

RICHARD F. MOSELEY, SR., et al.,

Defendants.

CASE NO. 14-00789-CV-W-DW

ORDER

Before the Court is the Application of Receiver for Order Approving Fees and Expenses (Doc. 53). Thomas W. McNamara was first appointed by a Temporary Restraining Order (“TRO”) entered September 9, 2014 (Doc. 8), which appointment was confirmed, and the temporary designation removed, by the Preliminary Injunction entered October 3, 2014 (Doc. 40).

The Preliminary Injunction provides for the continuation of the receivership over the Receivership Defendants with the full power of an equity receiver. Section XV(I) of the Preliminary Injunction expressly authorizes the Receiver to:

“Choose, engage, and employ attorneys, accountants, appraisers,
and other independent contractors and technical specialists, as the
Receiver deems advisable or necessary in the performance of
duties and responsibilities under the authority granted by this
Order[.]”

Section XIX of the Preliminary Injunction further provides for the compensation of the Receiver and his professionals as follows:

“...the Receiver and all personnel hired by the Receiver as herein
authorized, including counsel to the Receiver and accountants, are

entitled to reasonable compensation for the performance of duties under this Order, and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by or in the possession or control of, or which may be received by, the Receivership Defendants. The Receiver is expressly authorized to retain Ballard Spahr, a firm of which he is a partner. The Receiver will file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty (60) days after the date of this Order. The Receiver may not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.”

The Court has reviewed the Receiver’s Declaration and supporting documents, and is satisfied with the Receiver’s application and approves the payment of the following requested amounts for fees and expenses: fees of \$35,190.00 to the Receiver; fees of \$108,400.07 to counsel Ballard Spahr; and \$18,800.96 to Ballard Spahr for reimbursement of costs advanced; \$3,100.00 fees to Kansas City local counsel, Geiger Prell; \$4,586.49 fees and expenses to Precision Discovery, the Receiver’s computer forensic experts; \$5,083.60 fees and expenses to Midwest Cyber Associates, LLC, the Receiver’s local computer forensic experts; \$12,195.00 fees to Alliance Turnaround Management, Inc., the Receiver’s forensic accountant; and \$5,025.00 fees to Keith Shaw, the Receiver’s local representative handling property management and logistics issues for the receivership.

SO ORDERED.

Date: December 3, 2014

/s/ Dean Whipple
Dean Whipple
United States District Judge